

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DANIEL A. WASHINGTON, )  
                            )  
Plaintiff,               )  
                            )  
-vs-                     )     Case No. CIV-15-0899-F  
                            )  
GARFIELD COUNTY DETENTION )  
CENTER, et al.,           )  
                            )  
Defendants.              )

**ORDER**

On December 3, 2015, Magistrate Judge Bernard M. Jones issued a Report and Recommendation, doc. no. 19, in this civil rights action which is brought by a state prisoner pursuant to 42 U.S.C. § 1983. Upon initial screening, the Magistrate Judge recommends dismissal of the complaint without prejudice, for failure to state claims upon which § 1983 relief may be granted. Plaintiff's pleadings are liberally construed.

Plaintiff has objected to the Report, doc. no. 20, and objected to matters have been reviewed *de novo*.

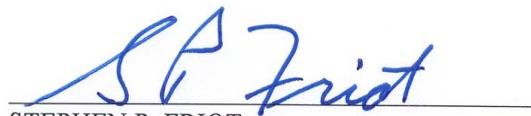
Among other things, plaintiff objects to the magistrate judge's conclusion that he fails to state a claim with respect to alleged exposure to urine and feces. His objections provide additional information regarding this claim, which was not available to the magistrate judge. The objections contend that conditions were rendered unlivable and temporarily uninhabitable when water was turned off and plaintiff was in a cell which a prior inmate had covered with urine and feces which was visible and as to which the stench was overpowering. These are certainly harsh conditions. Nevertheless, the complaint makes clear that plaintiff was placed in this

room from about 1:45 p.m. until 5:00 p.m. that same day. Thus, as noted by the magistrate judge in his Report, the allegations involve exposure to these conditions for approximately three hours (three hours and fifteen minutes). Thus, even with the additional information provided in plaintiff's conditions, plaintiff cannot state a claim under § 1983.

After consideration of all of plaintiff's objections (whether or not specifically addressed in this order), the court concludes that plaintiff cannot state a plausible claim for relief under § 1983 and that no further analysis, beyond that stated in the Report, need be set out here.

Plaintiff's objections are **DENIED**, and the Report and Recommendation of the Magistrate Judge is **ACCEPTED, ADOPTED** and **AFFIRMED**. This action is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b), for failure to state claims upon which § 1983 relief may be granted.

Dated this 5<sup>th</sup> day of January, 2016.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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